

SUPPLEMENTAL STATEMENT OF WATER DIVERSION AND USE

If the information below is inaccurate, please line it out in red and provide current information.
Notify this office if ownership or address changes occur during the coming year.

Please Complete and Return this Form by **JULY 1, 2007**

Primary Owner: **WILLIAM C STOOKEY**

PRIMARY CONTACT OR AGENT FOR MAIL & REPORTING
WILLIAM C STOOKEY
3624 GREENMEADOW DR
FULLERTON, CA 92635

STATEMENT NO.: **S008241**
CONTACT PHONE NO.: **(714) 526 - 3172**

Source Name: **FOX CREEK**

Tributary To:

County: **Mariposa**

Diversion Within: **NW¼ of NE¼ Section 17 T05S, R20E, MB&M**

Year of First Use: **1900**

Parcel Number:

- A. **Water is Used Under:** Riparian claim ☒ Pre-1914 right ☒ Other (explain): _____
- B. **Year of First Use:** (Please provide if missing above) 1885
- C. **Amount of Use:** Enter the amount (or the approximate amount) of water used each month, using the table below.

Amounts below are in: Gallons _____ Million Gallons (MG) _____ Acre-feet (AF) _____ Other _____

| Year | Jan | Feb | Mar | Apr | May | June | July | Aug | Sept | Oct | Nov | Dec | Total Annual |
|------|-----|-----|-----|-----|-----|------|------|-----|------|-----|-----|-----|--------------|
| 2004 | 3.4 | 3.4 | 3.4 | 3.4 | 3.4 | 5.4 | 3.4 | 3.4 | 3.4 | 3.4 | 3.4 | 3.4 | 30.40 |
| 2005 | " | " | " | " | " | " | " | " | " | " | " | " | " |
| 2006 | " | " | " | " | " | " | " | " | " | " | " | " | " |

- D. **Purpose of Use** – Specify number of acres irrigated, stock watered, persons served, etc.
Irrigation 10 acres; Stockwatering 5; Domestic 4 persons;
Other (specify) As required above
- E. **Changes in Method of Diversion** – Describe any changes in your project since your previous statement was filed.
(New pump, enlarged diversion dam, location of diversion, etc.)

- F. Please answer only those questions below which are applicable to your project.

1. Conservation of water

- a. Are you now employing water conservation efforts? YES ☒ NO ☐
Describe any water conservation efforts you have initiated:
irrigation by sprinklers

- b. If you are claiming credit for water conservation under section 1011 of the Water Code for your claimed pre-1914 appropriative right, please show the amount of water conserved:

Reduction in Diversions:

Year _____ (AF/MG) Year _____ (AF/MG) Year _____ (AF/MG)

Reduction in consumptive use:

Year _____ (AF/MG) Year _____ (AF/MG) Year _____ (AF/MG)

I have data to support the above surface water use reductions due to conservation efforts. YES ☐ NO ☐

2. Water quality and wastewater reclamation

- a. Are you now or have you been using reclaimed water from a wastewater treatment facility, desalination facility or water polluted by waste to a degree, which unreasonably affects such water for other beneficial uses? YES ____ NO ____.
- b. If you are claiming credit due to the substitution of reclaimed water, desalinated water or polluted water in lieu of a claimed pre-1914 appropriative right under section 1010 of the Water Code, please show amounts of reduced diversions and amounts of substitute water supply used:

Amount of reduced diversion: Year _____ (AF/MG) Year _____ (AF/MG) Year _____ (AF/MG)

State the type of substitute water supply: _____

Amount of substitute water supply used:

| Year | (AF/MG) | Year | (AF/MG) | Year | (AF/MG) |
|------|---------|------|---------|------|---------|
|------|---------|------|---------|------|---------|

I have data to support the above surface water use reductions due to the use of a substitute water supply. YES NO .

3. Conjunctive use of surface water and groundwater

- a. Are you now using groundwater in lieu of surface water? YES / NO .
- b. If you are claiming credit due to the substitution of groundwater for a claimed pre-1914 appropriative right under section 1011.5 of the Water Code, please show the amounts of groundwater used:

Year 06 12 AF (AF/MG) Year 07 10 AF (AF/MG) Year 08 12 AF (AF/MG)

I have data to support the above surface water use reductions due to the use of groundwater. YES NO

I understand that it may be necessary to document the water savings claimed in "F" above if credit under Water Code sections 1010 and 1011 is sought in the future.

I declare that the information in this report is true to the best of my knowledge and belief.

DATE: 4/1/07, 20 at Fullerton, California

SIGNATURE: Sean C. Harty

PRINTED NAME: W. William C. Stocker
(first name) (middle initial) (last name)

COMPANY NAME: _____

If there is insufficient space for your answers, please use the space provided below.

| ITEM | CONTINUATION |
|------|--------------|
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| | |

GENERAL INFORMATION PERTAINING TO WATER RIGHTS IN CALIFORNIA

There are two principal types of surface water rights in California. They are riparian and appropriative rights.

A riparian right enables an owner of land bordering a natural lake or stream to take and use water on his riparian land. Riparian land must be in the same watershed as the water source and must never have been severed from the sources of supply by an intervening parcel without reservation of the riparian right to the severed parcel. Generally, a riparian water user must share the water supply with other riparian users. Riparian rights may be used to divert the natural flow of a stream but may not be used to store water for later use or to divert water which originates in a different watershed, water previously stored by others, return flows from use of groundwater, or other “foreign” water to the natural stream system.

An appropriative right is required for use of water on non-riparian land and for storage of water. Generally, appropriative rights may be exercised only when there is a surplus not needed by riparian water users. Since 1914, new appropriators have been required to obtain a permit and license from the State. Appropriative rights can be granted to waters "foreign" to the natural stream system.

Statements of Water Diversion and Use must be filed by riparian and pre-1914 appropriative water users as set forth in Water Code section 5100 with specific exceptions. The filing of a statement (1) provides a record of water use, (2) enables the State to notify such users if someone proposes a new appropriation upstream from their diversions, and (3) assists the State to determine if additional water is available for future appropriators.

The above discussion is provided for general information. For more specific information concerning water rights, please contact an attorney or write to this office. We have several pamphlets available. They include: (1) Statements of Water Diversion and Use, (2) Information Pertaining to Water Rights in California, and (3) Appropriation of Water in California.

State of California
State Water Resources Control Board
DIVISION OF WATER RIGHTS
P.O. Box 2000, Sacramento, CA 95812-2000
Info: (916) 341-5300, FAX: (916) 341-5400, Web: http://www.waterrights.ca.gov

SUPPLEMENTAL STATEMENT OF WATER DIVERSION AND USE
If the information below is inaccurate, please line it out in red and provide current information.
Notify this office if ownership or address changes occur during the coming year.

Please Complete and Return This Form by July 1, 2001.

Owner of Record: WILLIAM C STOOKEY;

WILLIAM C STOOKEY
3624 GREENMEADOW DR
FULLERTON, CA 92635

Statement No: S008241
Password: 04190110014351
Phone Number: (714) 526-3172

Year of First Use: 1900

*If the mail recipient's name, address or phone No. is wrong or missing, please correct.

Source Name: FOX CREEK

Tributary To:

County: Mariposa

Parcel Number:

Diversion Within: NW1/4 of NE1/4 Section 17, T05S, R20E, MB&M

A. Water is used under: Riparian claim ☒ Pre 1914 right ☒ Other (explain):

B. Year of first use (Please provide if missing above)

C. Amount of Use - Enter the amount of water used each month. If monthly and annual use are not known, check the months in which water was used.

| Amounts below are: Gallons Acre-feet Other | | | | | | | | | | | | | |
|--|-----|-----|-----|-----|-----|------|------|-----|------|-----|-----|-----|--------------|
| Year | Jan | Feb | Mar | Apr | May | June | July | Aug | Sept | Oct | Nov | Dec | Total Annual |
| 1998 | 3.4 | 3.4 | 3.4 | 3.4 | 3.4 | + | + | + | + | + | + | 3.4 | 20.48 |
| 1999 | 3.4 | 3.4 | 3.4 | 3.4 | 3.4 | + | + | + | + | + | + | 3.4 | 20.48 |
| 2000 | 3.4 | 3.4 | 3.4 | 3.4 | 3.4 | + | + | + | + | + | + | 3.4 | 20.48 |

D. Purpose of Use - Specify number of acres irrigated, stock watered, persons served, etc. *+ use supplemented by well*

Irrigation ☒ acres; Stockwatering ☒; Domestic ☒

Other (specify)

E. Changes in Method of Diversion - Describe any changes in your project since your previous statement was filed: (New pump, enlarged diversion dam, location of diversion, etc.)

F. Please answer only those questions below which are applicable to your project.

1. Conservation of water

a. Are you now employing water conservation efforts? YES ☒ NO ☐

Describe any water conservation efforts you have initiated:

using low pressure irrigation

b. If credit toward beneficial use of water under claimed pre 1914 appropriative water right for water not used due to a conservation effort is claimed under section 1011 of the Water Code, please show the amounts of water conserved:

Reductions in Diversions:

yr. (af/mg) yr. (af/mg) yr. (af/mg)

Reductions in consumptive use:

yr. (af/mg) yr. (af/mg) yr. (af/mg)

I have data to support the above surface water use reductions due to conservation efforts. YES ☐ NO ☐

2. Water quality and wastewater reclamation

- a. Are you now or have you been using reclaimed water from a wastewater treatment facility, desalination facility or water polluted by waste to a degree which unreasonably affects such water for other beneficial uses? YES _____ NO ☒
- b. If credit toward use under a claimed pre 1914 appropriative water right through substitution of reclaimed water, desalinated water or polluted water in lieu of appropriated water is claimed under section 1010 of the Water Code, please show amounts of reduced diversions and amounts of reclaimed water used:

yr _____ (af/mg) yr _____ (af/mg) yr _____ (af/mg)
I have data to support the above surface water use reductions due to wastewater reclamation. YES ___ NO ___

3. Conjunctive use of surface water and groundwater

- a. Are you now using groundwater in lieu of surface water? YES _____ NO _____. *yes when surface water not available*
- b. If credit toward use under a claimed pre 1914 appropriative right through substitution of groundwater in lieu of appropriated water is claimed under section 1011.5 of the Water Code, please show the amounts of groundwater used:

yr _____ (af/mg) yr _____ (af/mg) yr _____ (af/mg)
I have data to support the above surface water use reductions due to conjunctive use efforts. YES ___ NO ___

I understand that it may be necessary to document the water savings claimed in "F." above if credit under Water Code sections 1010 and 1011 is sought in the future.

I declare that the information in this report is true to the best of my knowledge and belief.

DATE: 6/5/01, 20____ at Fallerton, California

SIGNATURE: Leedean C. Stuckey

PRINTED NAME: Leedean C. Stuckey
(first name) (middle init.) (last name)

COMPANY NAME: _____

If there is insufficient space for your answers, please use the space provided below.

ITEM CONTINUATION

| | |
|--|--|
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GENERAL INFORMATION PERTAINING TO WATER RIGHTS IN CALIFORNIA

There are two principal types of surface water rights in California. They are riparian and appropriative rights.

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Statements of Water Diversion and Use must be filed by riparian and pre 1914 appropriative water users as set forth in Water Code section 5100 with specific exceptions. The filing of a statement (1) provides a record of water use, (2) enables the State to notify such users if someone proposes a new appropriation upstream from their diversions, and (3) assists the State to determine if additional water is available for future appropriators.

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"The energy challenge facing California is real. Every California needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our Web-site at <http://www.swrcb.ca.gov>"

SUPPLEMENTAL STATEMENT OF WATER DIVERSION AND USE

98 FEB 15 PM 1:40

If the information below is inaccurate, please line it out in red and provide current information.
Notify this office if ownership or address changes occur during the coming year.

PLEASE COMPLETE AND RETURN THIS FORM BY JULY 1, 1998

OWNER OF RECORD: WILLIAM C STOOKEY

WILLIAM C STOOKEY
3624 GREENMEADOW DR
FULLERTON, CA 92635

STATEMENT NO: S008241



TELEPHONE NUMBER:

(714) 526-3172

YEAR OF FIRST USE: 1900

PARCEL NO:

SOURCE: FOX CREEK

TRIBUTARY TO:

COUNTY: MARIPOSA

DIVERSION

WITHIN: NW¼ OF NE¼ SECTION 17, T5S, R20E, MB&M.

A. Water is used under: Riparian claim X; Pre 1914 right X; Other (explain): well

B. Year of first use (Please provide if missing above) _____

C. Amount of Use - Enter the amount of water used each month. If monthly and annual use are not known, check the months in which water was used.

Amounts below are: ☐ Gallons ☒ Acre-feet ☐ (other) _____

| Year | Jan. | Feb. | Mar. | Apr. | May | June | July | Aug. | Sept. | Oct. | Nov. | Dec. | Total Annual |
|------|------|------|------|------|-----|------|------|------|-------|------|------|------|--------------|
| 1995 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | | | | | 3 | * |
| 1996 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | | | | 3 | |
| 1997 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | | | 3 | |

* Amount in dry month supplemented by well.

D. Purpose of Use - Specify number of acres irrigated, stock watered, persons served, etc.

Irrigation 30 acres; Stockwatering 50 cattle; Domestic 2

Other (specify) Aquaculture

E. Changes in Method of Diversion - Describe any changes in your project since your previous statement was filed. (New pump, enlarged diversion dam, location of diversion, etc.)

F. If part of the water listed in Part C consists of reclaimed or polluted water, please indicate the annual amounts of reclaimed or polluted water in the space below.

I declare under penalty of perjury that the information in this report is true to the best of my knowledge and belief.

DATED: February 17, 1998 at Fullerton, California

SIGNATURE:

PRINTED NAME:

William C. Stookey

(FIRST NAME)

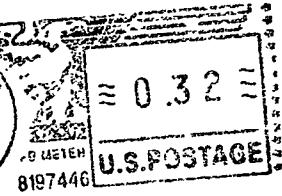
(MIDDLE INIT.)

(LAST NAME)

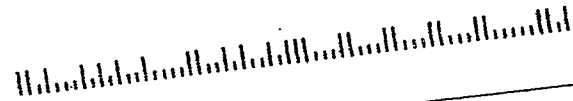
COMPANY NAME:

See back of page for General Information. If there is insufficient space for your answers, please number them in the space provided on the back of this form.

William C. Stookey
3624 Greenmeadow Drive
Fullerton, CA 92835



State Water Resources Control Board
Division of Water Rights
P.O. Box 2000
Sacramento, CA 95812-2000



95812-2000

**** PLEASE COMPLETE, SUBMIT THE ORIGINAL AND MAKE A COPY FOR YOUR RECORDS ****

**STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS**

P.O. BOX 2000 SACRAMENTO, CA 95812-2000

SUPPLEMENTAL STATEMENT OF WATER DIVERSION AND USE

STATEMENT NO: S008241
OWNER OF RECORD: WILLIAM C STOOKEY

WILLIAM C STOOKEY
3624 GREENMEADOW DRIVE
FULLERTON, CA 92635

STATE WATER RESOURCES
CONTROL BOARD
DIV. OF WATER RIGHTS
SACRAMENTO
MAR 27 PM 3:55

SOURCE: FOX CREEK
TRIBUTARY TO:
COUNTY: MARIPOSA
DIVERSION
WITHIN: NW¼ OF NE¼ SECTION 17, T5S, R20E, MDB&M.

TELEPHONE NUMBER:
(714) 526-3172
YEAR OF FIRST USE: 1880
PARCEL NO:

(If any of the above information is inaccurate or missing, please correct. Notify this office if ownership or address changes occur during the coming year.)

COMPLETE AND RETURN THIS FORM BY JULY 1, 1995.

- A. Water is used under: Riparian claim X; Pre 1914 right X; Other (explain) Well
- B. Year of first use (Please provide if missing above) 1880
- C. Amount of Use - Enter the amount of water used each month. If monthly and annual use are not known, check the months in which water was used.

Amounts below are: ☐ Gallons ☒ Acre-feet ☐ (other) _____

| | JAN. | FEB. | MAR. | APR. | MAY | JUNE | JULY | AUG. | SEPT. | OCT. | NOV. | DEC | TOTAL ANNUAL |
|------|------|------|------|------|-----|------|------|------|-------|------|------|-----|--------------|
| 1992 | 3 | 3 | 3 | 3 | 3 | 3 | 2 | 1 | | | | 3 | 24 |
| 1993 | 3 | 3 | 3 | 3 | 3 | 3 | 2 | 1 | | | | 3 | 24 |
| 1994 | 3 | 3 | 3 | 3 | 3 | 3 | 2 | 1 | | | | 3 | 24 |

* Amount in dry months supplemented by well.

- D. Purpose of Use - Specify number of acres irrigated, stock watered, persons served, etc.
Irrigation 40 acres; Stockwatering 50 cattle; Domestic 2
Other (specify) Aquaculture

***** CONTINUE ON BACK PAGE *****

*** PLEASE COMPLETE, SUBMIT THE ORIGINAL AND MAKE A COPY FOR YOUR RECORDS ***

- E. Changes in Method of Diversion - Describe any changes in your project since your previous statement was filed. (New pump, enlarged diversion dam, location of diversion, etc.)

None

- F. If part of the water listed in Part C consists of reclaimed or polluted water, please indicate the annual amounts of reclaimed or polluted water in the space below.

None

I declare under penalty of perjury that the information in this report is true to the best of my knowledge and belief.

DATED: 3-22-95, 1995 at FULLERTON, California

SIGNATURE: William C Stookey

PRINTED NAME: WILLIAM

(FIRST NAME)

C
(M. NAME)

STOOKEY

(LAST NAME)

COMPANY NAME: _____

GENERAL INFORMATION PERTAINING TO WATER RIGHTS IN CALIFORNIA

There are two principal types of surface water rights in California. They are riparian and appropriative rights.

A riparian right enables an owner of land bordering a natural lake or stream to take and use water on his riparian land. Riparian land must be in the same watershed as the water source and must never have been severed from the sources of supply by an intervening parcel without reservation of the riparian right to the severed parcel. Generally, a riparian water user must share the water supply with other riparian users. Riparian rights may be used to divert the natural flow of a stream but may not be used to store water for later use or to divert water which originates in a different watershed, or return flows from use of groundwater.

An appropriative right is required for use of water on nonriparian land and for storage of water. Generally, appropriative rights may be exercised only when there is a surplus not needed by riparian water users. Since 1914 new appropriators have been required to obtain a permit and license from the State.

Statements of Water Diversion and Use must be filed by riparian and pre-1914 appropriative water users. The filing of a statement (1) provides a record of water use, (2) enables the State to notify such users if someone proposes a new appropriation upstream from their diversion, and (3) assists the State to determine if additional water is available for future appropriators.

The above discussion is provided for general information. For more specific information concerning water rights, please contact an attorney or write to this office. We have several pamphlets available. They include:

"Statements of Water Diversion and Use"

"Information Pertaining to Water Rights in California"

"Water Rights for Stockponds Constructed Prior to 1969"

"Appropriation of Water in California"

STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

P.O. BOX 2000 SACRAMENTO, CA 95812-2000
(916) 657-1875

SUPPLEMENTAL STATEMENT OF WATER DIVERSION AND USE

DIVERTER OF RECORD:

STATEMENT NO: 008241

WILLIAM C STOOKEY
5624 GREENMEADOW DRIVE
FULLERTON, CA 92635

TELEPHONE NUMBER:
() -

IF NAME/ADDRESS/PHONE NO. IS WRONG OR MISSING, PLEASE CORRECT.

SOURCE: FOX CREEK

TRIBUTARY TO:

COUNTY: MARIPOSA

YEAR OF FIRST USE: 1900

DIVERSION

WITHIN: NW1/4 OF NE1/4 SECTION 17, T05S, R20E, MDB&M.

COMPLETE AND RETURN THIS FORM BY JULY 1, 1994.

A. Water is used under: Riparian claim ☒; Pre 1914 right ☒; Other (explain) well

B. Year of first use (Please provide if missing above) _____

C. Amount of Use - Enter the amount of water used each month. If monthly and annual use are not known, check the months in which water was used.

Amounts below are: ☐ Gallons ☒ Acre-feet ☐ (other) _____

| | JAN. | FEB. | MAR. | APR. | MAY | JUNE | JULY | AUG. | SEPT. | OCT. | NOV. | DEC. | TOTAL ANNUAL |
|------|------|------|------|------|-----|------|------|------|-------|------|------|------|--------------|
| 1991 | 3 | 3 | 3 | 3 | 3 | 3 | 2 | 1 | -- | -- | -- | 3 | *24 |
| 1992 | 3 | 3 | 3 | 3 | 3 | 3 | 2 | 1 | -- | -- | -- | 3 | 24 |
| 1993 | 3 | 3 | 3 | 3 | 3 | 3 | 2 | 1 | -- | -- | -- | 3 | 24 |

*Amount in dry months supplemented by a well.

D. Purpose of Use - Specify number of acres irrigated, stock watered, persons served, etc.

Irrigation 40 acres; Stockwatering 50 cattle; Domestic 2

Other (specify) Aquaculture

E. Changes in Method of Diversion - Describe any changes in your project since your previous statement was filed. (New pump, enlarged diversion dam, location of diversion, etc.)

F. If part of the water listed in Part C consists of reclaimed or polluted water, please indicate the annual amounts of reclaimed or polluted water in the space below.

I declare under penalty of perjury that the information in this report is true to the best of my knowledge and belief.

DATED: March 15, 19 94, at Fullerton, California

Signature: 

WR 40-1 (1/94)
FOR0127R2

GENERAL INFORMATION PERTAINING TO WATER RIGHTS IN CALIFORNIA

There are two principal types of surface water rights in California. They are riparian and appropriative rights.

A riparian right enables an owner of land bordering a natural lake or stream to take and use water on his riparian land. Riparian land must be in the same watershed as the water source and must never have been severed from the sources of supply by an intervening parcel without reservation of the riparian right to the severed parcel. Generally, a riparian water user must share the water supply with other riparian users. Riparian rights may be used to divert the natural flow of a stream but may not be used to store water for later use or to divert water which originates in a different watershed, or return flows from use of groundwater.

An appropriate right is required for use of water on nonriparian land and for storage of water. Generally, appropriative rights may be exercised only when there is a surplus not needed by riparian water users. Since 1914 new appropriators have been required to obtain a permit and license from the State.

Statements of water Diversion and Use must be filed by riparian and pre-1914 appropriative water users. The filing of a statement (1) provides a record of water use, (2) enables the State to notify such users if someone proposes a new appropriation upstream from their diversion, and (3) assists the State to determine if additional water is available for future appropriators.

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"Statements of Water Diversion and Use"

"Information Pertaining to Water Rights in California"

"Water Rights for Stockponds Constructed Prior to 1969"

"Appropriation of Water in California"

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
Division of Water Rights

P.O. BOX 2000 SACRAMENTO, CA 95812-2000
901 P ST. SACRAMENTO, CA 95814
(916) 322-4503

STATE WATER RIGHTS
324-5676

SUPPLEMENTAL STATEMENT OF WATER DIVERSION AND USE

1991 FEB 7 PM 4:15
DIV. OF WATER RIGHTS
SACRAMENTO

DIVERTER OF RECORD:

STATEMENT NO: 008241

WILLIAM C STOOKEY
3624 GREENMEADOW DRIVE
FULLERTON, CA 92635

TELEPHONE NUMBER:
() -

IF NAME/ADDRESS/PHONE NO. IS WRONG OR MISSING, PLEASE CORRECT.

SOURCE: FOX CREEK

TRIBUTARY TO:

COUNTY: MARIPOSA

DIVERSION

WITHIN: NW1/4 OF NE1/4 SECTION 17, T05S, R20E, MDB&M.

INSTRUCTIONS: Please complete Items A, B and C. Item D should be completed if you replaced all or part of your regular water supply with reclaimed or polluted water. RETURN THIS FORM BY JULY 1, 1991. (Additional information on reverse side of this form.)

A. Amount of Use - Fill in the amount of water used each month. If monthly and annual use are not known, check the months in which water was used.

Amounts below are: ☐ Gallons
☒ Acre-feet
☐ (other)

| | Jan. | Feb. | Mar. | Apr. | May | June | July | Aug. | Sept. | Oct. | Nov. | Dec. | Total Annual |
|------|------|------|------|------|-----|------|------|------|-------|------|------|------|--------------|
| 1988 | / | / | / | / | / | / | / | | dry | | | / | 8 |
| 1989 | / | / | / | / | / | / | | | dry | | | / | 6 |
| 1990 | / | / | / | | | | dry | | | | | | 3 |

B. Purpose of Use - Specify number of acres irrigated, stock watered, persons served, etc.

Irrigation 30 Acre pasture

Stockwatering 40 Cattle 125 head horse

Domestic House

Other (specify)

C. Changes in Method of Diversion - Describe any changes in your project since your previous statement was filed. (New pump, enlarged diversion dam, location of diversion, etc.)

D. If part of the water listed in Part A consists of reclaimed or polluted water, please indicate the annual amounts of reclaimed or polluted water in the space below.

I declare under penalty of perjury that the information in this report is true to the best of my knowledge and belief.

DATED: 1/2/91, 19 at Fullerton, California

Signature: William C Stookey

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A riparian right enables an owner of land bordering a natural lake or stream to take and use water on his riparian land. Riparian land must be in the same watershed as the water source and must never have been severed from the source of supply by an intervening parcel without reservation of the riparian right to the severed parcel. Generally, a riparian water user must share the water supply with other riparian users. Riparian rights may be used to divert the natural flow of a stream but may not be used to store water for later use or to divert water which originates in a different watershed, or return flows from use of groundwater.

An appropriative right is required for use of water on nonriparian land and for storage of water. Generally, appropriative rights may be exercised only when there is a surplus not needed by riparian water users. Since 1914 new appropriators have been required to obtain a permit and license from the State.

Statements of Water Diversion and Use must be filed by riparian and pre-1914 appropriative water users. The filing of a statement (1) provides a record of water use, (2) enables the State to notify such users if someone proposes a new appropriation upstream from their diversion, and (3) assists the State to determine if additional water is available for future appropriators.

The above discussion is provided for general information. For more specific information concerning water rights, please contact an attorney or write to this office. We have several pamphlets available. They include:

- "Statements of Water Diversion and Use"
- "Information Pertaining to Water Rights in California"
- "Water Rights for Stockponds Constructed Prior to 1969"
- "Appropriation of Water in California"

(916) 324-5697

In Reply Refer
to: 343:VAIL:262.0 (22-07-01)

APR 7 1987

Mr. Thomas B. Hiatt
3188 Triangle Road
Mariposa, CA 95338

Mr. William Stookey
3624 Green Meadows Dr.
Fullerton, CA 92635

Gentlemen:

COMPLAINT REGARDING FOX CREEK IN MARIPOSA COUNTY (PERMIT 20004 APPLICATION
28831 OF HIATT, STATEMENTS OF WATER DIVERSION AND USE 51231 AND S8241 OF
STOOKEY)

The staff investigation of the complaint filed against Mr. Stookey by Mr. Hiatt has been completed. I am enclosing a report of the investigation for your information. Please note staff's findings under the "Conclusions and Recommendations" heading. Specifically staff has found that:

- 1) Mr. Stookey's diversions are not within the jurisdiction of the Board.
- 2) Both Mr. Stookey and Mr. Hiatt are making reasonable and beneficial use of the water diverted.
- 3) Importation of water into the Fox Creek watershed by Mr. Stookey most likely increased the amount of water available to Mr. Hiatt during the summer months, and therefore it is unlikely that Mr. Hiatt is being adversely affected by Mr. Stookey's diversions.
- 4) Flood waters are outside of the scope of this Board's jurisdiction, and damages that are caused by flood waters are a civil matter. If Mr. Hiatt wishes to seek monetary compensation for any damages he believes Mr. Stookey to be liable for, he should seek relief in a court of competent jurisdiction.

Following the recommendation of my staff, this complaint is considered dismissed. If Mr. Hiatt can provide specific documentation of any unauthorized diversions by Mr. Stookey or of waste or unreasonable use of water, this complaint may be reopened. As Mr. Stookey is diverting under claim of pre-1914 and riparian rights, any disputes involving diversions under those claims should be resolved by the judiciary.

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APR 7 1987

Hiatt/Stookey

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If you have any questions regarding this matter, please feel free to contact me at (916) 324-05696.

Sincerely,

ORIGINAL SIGNED BY:

Arthur N. Webb, Chief
Investigation and Surveillance Unit

Enclosure

VAMhitney:lryder (3/12/87) LLR700

1940-1941

Memorandum

To : Files 262.0 (22-07-01), A-28831, S-1231, S-8241

Date : MAR 13 1987

*Victoria Whitney*Victoria Whitney, Assoc. WRC Engineer
Investigation and Surveillance UnitFrom : **STATE WATER RESOURCES CONTROL BOARD**
DIVISION OF WATER RIGHTS

Subject: COMPLAINT REGARDING FOX CREEK IN MARIPOSA COUNTY

A complaint against William Stookey was received from Thomas Hiatt on April 22, 1986. The complaint alleges that Mr. Stookey constructed an offstream reservoir adjacent to Fox Creek in Mariposa County without a proper water right. Mr. Hiatt further alleged that the banks of the reservoir were washed out during a heavy rainstorm in February 1986 causing the water to flow into a drainage channel adjacent to Fox Creek. The surplus water washed out a part of Mr. Hiatt's driveway causing him damages. Mr. Hiatt also maintains that Mr. Stookey has an unauthorized onstream storage reservoir on Fox Creek which interferes with the flow of the creek, thereby depriving him of water during the summer months.

Mr. Hiatt enclosed copies of correspondence between Mr. Stookey and himself with the complaint submitted to the Division. Mr. Stookey's letter to Mr. Hiatt dated April 14, 1986 responded to Mr. Hiatt's allegations and was determined by Division staff to be an adequate answer to the allegations contained in the complaint. In his letter, Mr. Stookey stated that the offstream reservoir is a "pit" pond "intended to be supplied during periods of low flow by a well".

A field investigation of this complaint was conducted on November 1, 1986. The following individuals were present:

| | |
|-------------------|--------------------------|
| Thomas Hiatt | Complainant |
| Vallie J. Hiatt | Wife of Complainant |
| William Stookey | Alleged Offender |
| Betty Lou Stookey | Wife of Alleged Offender |
| Kenneth Landau | Interested Bystander |
| Victoria Whitney | Division of Water Rights |

Also present were the daughter and son-in-law of the late Mr. L. E. Roeder. Property belonging to Mr. Roeder's estate is located immediately downstream of the Hiatt parcel.

FACTS AND OBSERVATIONS

Mr. Stookey owns approximately 240 acres of land at the intersection of Triangle Road and Westfall Road approximately six miles east of Mariposa in Mariposa County. This property has been operated as a farm since approximately 1860. Both Camp Meeting Creek and Fox Creek flow through Mr. Stookey's property and are diverted for irrigation, stockwatering, and domestic purposes on the property. Mr. Stookey is diverting water under both claim of riparian right and claim of pre-1914 appropriative right filed with the Division as Statement of Water Diversion and Use 8241 (Fox Creek) and Statement of Water Diversion and Use 1231 (Camp Meeting Creek). In addition to the surface flow diverted from the creeks, Mr. Stookey pumps water from a 525 feet-deep well with a capacity of 100 gallons per minute located approximately 3,350 feet north and 500 feet west of the SW corner of Section 17, T5S, R20E, MDB&M.

Water from Fox Creek flows onto Mr. Stookey's property and is diverted at a concrete weir into an offstream reservoir with a capacity of approximately 0.5 acre-foot. Water also flows over the weir into an onstream reservoir with a capacity of .52 acre-foot (surface area of .52 acre and depth of 7 feet) formed by an earthen dam. When the offstream reservoir is full, water from it flows into the onstream reservoir. The offstream reservoir was constructed by excavating a "pit" and by using excavated natural soils to construct a berm at one end of the reservoir. The water level is below ground surface level at the end of the reservoir adjacent to the onstream reservoir and is above ground level at its opposite end. Water from the onstream reservoir is diverted through a 2-inch diameter pipeline to a nearby pasture where it is used for irrigation. Irrigation runoff from the pasture is returned to Fox Creek below the dam which forms the onstream reservoir. Fox Creek flows from Mr. Stookey's property onto Mr. Hiatt's property, then across Mr. Hiatt's property onto the Roeder property.

Camp Meeting Creek is located east of Fox Creek. Mr. Stookey diverts water from Camp Meeting Creek into an offstream reservoir with a capacity of 1.7 acre-feet. Water is diverted from this reservoir into either a second offstream reservoir with a capacity of 4.95 acre-feet or to a pasture. Irrigation runoff from the pasture is returned to Camp Meeting Creek. Water from the second offstream reservoir supplied by Camp Meeting Creek is diverted to the pasture irrigated from Fox Creek and return flows flow into Fox Creek. Below the point of diversion, Camp Meeting Creek flows across Mr. Stookey's property onto Roeder property.

Water pumped from Mr. Stookey's well is diverted into the reservoirs, where it is used to maintain water levels for fish and is used to augment natural supply.

Mr. Stookey stated during the field investigation that during the winter of 1985-86 he placed a drainage culvert in the berm which forms one side of the

Fox Creek offstream reservoir. When the culvert was installed, the fill was not compacted. Streamflow caused by the heavy rains in February 1986 backed up into the offstream reservoir and broke through the uncompacted area, flowing downhill and into a small drainage channel. Water entering this drainage channel flows from the Stookey property, across a parcel owned by Lyons, and onto the Hiatt property. The water overflowed culverts placed under Mr. Hiatt's driveway, washing out the driveway and required Mr. Hiatt to replace the driveway as well as the culverts.

Subsequent to February 1986, Mr. Stookey constructed a ditch which will capture water that escapes from the offstream reservoir on Fox Creek and return it to Fox Creek above his downstream property line. During the field investigation this ditch was inspected. The ditch is approximately 2-3 feet square in cross section and has earthen banks. At the time of the field inspection, there was considerable erosion along the banks.

Mr. Hiatt filed Application 28831 on May 1, 1986. Mr. Hiatt proposes to construct a depression with a capacity of 4 acre-feet in the bed of Fox Creek. Water will be collected in the reservoir and will be used to irrigate approximately 2 acres of pasture. Permit 20004 was issued for this appropriation on February 3, 1987. Mr. Hiatt also claims riparian rights to the water in Fox Creek.

QUESTIONS

- 1) Is Mr. Stookey diverting water of the State without authorization?
- 2) Do Mr. Stookey's diversions adversely affect Mr. Hiatt?

ANALYSIS

In general, this Board's jurisdiction is limited to appropriations of water made from known and definite channels and initiated subsequent to December 19, 1914. The Board also has jurisdiction of cases of waste or unreasonable use. Mr. Stookey is diverting water under claim of both pre-1914 appropriative and riparian right.

Although there is little statutory law regarding riparian rights, previous decisions by California Courts have imposed the following limitations.

A riparian right is the right to the natural flow of water from a lake, stream or river for use on property contiguous to and within the watershed of the source. Riparian rights attach to property at the time the parcel is patented (ownership transfers from the Federal Government to a private entity). The amount of water diverted under claim of riparian right is not limited as to the amount. Rather, the right is a correlative right; if there is not an adequate

amount of water to completely supply all riparian users, the water available must be shared among riparians relative to the needs of each. Water may not be stored under claim of riparian right, but can only be used by direct diversion. Riparian rights are not lost by nonuse, and all riparians have equal priority with all other riparians. In cases where there is insufficient water, priority of right is determined by a court of competent jurisdiction.

Pre-1914 appropriative rights are subject to the same limitations as other types of appropriative water rights. Appropriative rights allow the diversion of water from a source for use on properties not riparian to the source. In addition, water may be stored during one season for use during another season under an appropriative right. Appropriative rights are for a specific quantity of water and may be lost by nonuse for a period of five or more years. Water diverted under claim of pre-1914 right is limited to the amount that was diverted to beneficial use as of December 19, 1914. Appropriations initiated subsequent to December 19, 1914 are limited to the amount allowed under permit or license issued by this Board and its predecessors. Priority of use under appropriative right is determined by "first in time, first in right". The priority of right under pre-1914 right is determined by the date water was first put to beneficial use. The priority of appropriative rights issued by this Board is determined by the date the application for appropriation was filed.

Mr. Stookey may divert water from either Fox Creek or Camp Meeting Creek for direct use on his pasture land under claim of riparian right so long as the water is not diverted out of the watershed of the source. It does not appear that under normal conditions, water is diverted out of the watershed of Fox Creek.

Under pre-1914 rights, Mr. Stookey may store water for later application and may divert water from one watershed to another so long as the amount diverted to storage and/or direct diversion does not exceed the amount diverted as of December 19, 1914 and used continuously since that time. Statements of Water Diversion and Use filed by Mr. Stookey and his predecessors indicate that the historical use from Fox Creek is 103,000 gallons per year (.3 acre-foot per year (ac-ft/yr)) and the historical use from Camp Meeting Creek is 1,000 acre-feet per year. Information contained in these statements also indicates that the sources have gone dry in June, July, and August, in some years. Rainfall records for the Mariposa area maintained by the United States Weather Service indicates that the average rainfall in the area is 0.16 inch in the month of June and .01 inch in the months of July and August. Yearly average precipitation is 29.95 inches. Recent use as indicated by Mr. Stookey in supplemental statements is 288,000 gallons per year (0.88 ac-ft/yr) from Camp Meeting Creek and 171,000 gallons per year (0.5 ac-ft/yr) from Fox Creek.

priority than appropriative rights. In cases where land was patented after appropriations of water have been made, pre-1914 appropriative rights may be of higher priority than riparian rights. This determination, however, must be made by a court of competent jurisdiction. Any diversions of water from Fox Creek made by Mr. Stookey under claim of riparian right are likely to be of equal priority to diversions made by Mr. Hiatt under claim of riparian right as the main purpose of use of both parties is irrigation. Mr. Hiatt irrigates 2 acres of pasture and Mr. Stookey claims to irrigate 20 acres with water from Fox Creek. When natural flow is available, the water should be split between the parties relative to the needs of each.

Diversions of water under claim of appropriative right are likely to be junior to diversions under claim of riparian right. Based on the "first in time, first in right" doctrine, Mr. Stookey's valid diversions from Fox Creek under claim of pre-1914 right are of higher priority than Mr. Hiatt's diversions under Permit 20004. Mr. Stookey would thus have the right to appropriate water to storage and to direct diversion up to the amount limited by his pre-1914 right before any diversion could be made by Mr. Hiatt.

This agency does not have jurisdiction of diversions made from percolating ground water, except in the case of waste or unreasonable use of water, and therefore, Mr. Stookey may divert water from a well for any beneficial use so long as he does not waste water or use an unreasonable method of diversion.

Based on water duties used by the Board in accepting applications for appropriation of water, a reasonable use of water for irrigation of pasture land is one cubic foot per second per 80 acres of pasture (continuous flow rates limited to 150 days per year). Mr. Stookey reports approximately 20 acres of pasture are irrigated from Fox Creek and approximately 70 acres of pasture are irrigated from Camp Meeting Creek. Approximately 50 head of cattle are watered from each source. Reasonable duty of water for stockwatering range cattle is 15 gallons per head per day year round. Based on these duties, Mr. Stookey could reasonably divert 79 ac-ft/yr from Fox Creek and 260 ac-ft/yr from Camp Meeting Creek. As Mr. Stookey's diversions are well below these amounts, it does not appear that water is being wasted.

This Board does not have jurisdiction of flood waters. The Supreme Court of California has stated that:

Implicit in the definition of flood waters is the element of abnormality; they are flood waters because of their escape from the usual channels under conditions which do not ordinarily occur.

It appears that the waters which washed out Mr. Hiatt's driveway were abnormal flows and thus not subject to the jurisdiction of this Board. The issue of whether or not Mr. Stookey is liable for damages caused to Mr. Hiatt's driveway

is a civil matter and should be brought before the courts. Mr. Stookey has indicated by letter to Mr. Hiatt and copy to the Division that he would "permatize" the ditch below the offstream Fox Creek reservoir so that escaped flows are captured and are returned to Fox Creek above his downstream property line.

CONCLUSIONS AND RECOMMENDATIONS

It appears that Mr. Stookey does not need to file an application with this Division to appropriate water from either Fox Creek or Camp Meeting Creek. Statement of Water Diversions and Use filed to cover appropriations from these sources indicate the first date of use of water from Camp Meeting Creek was prior to 1900 and the first date of use of water from Fox Creek was 1903. Mr. Stookey has claimed riparian rights to these sources in addition to his claimed pre-1914 appropriative rights. Statements filed with this Division are only for the purpose of recording claims of right, however both riparian and pre-1914 rights must be confirmed by the judiciary.

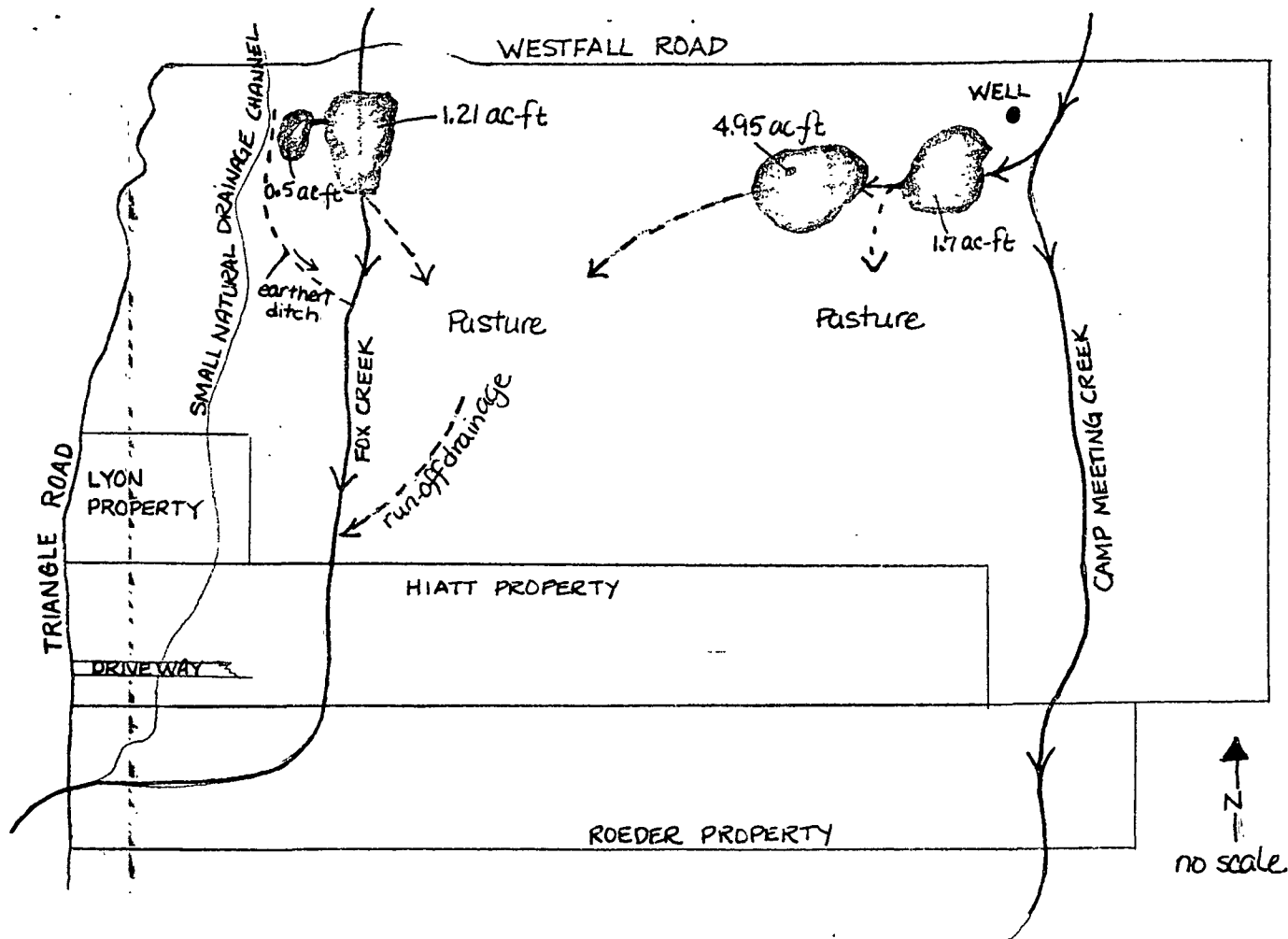
Although Mr. Stookey may not store water or divert it out of the watershed of the source under a riparian right, these diversions may occur under a pre-1914 right so long as diversions do not exceed the amount beneficially used as of December 19, 1914 and water has been continuously used since that time. Mr. Stookey is not limited as to the amount of water he can directly divert to riparian lands under claim of riparian right, except that natural flows must be shared with other riparians, including Mr. Hiatt, relative to the needs of each. Disputes between riparians are not within the jurisdiction of this Board and should be brought before a court of competent jurisdiction. Mr. Hiatt's appropriative right perfected as Permit 20004 is junior in priority to any pre-1914 right held by Mr. Stookey.

Mr. Stookey is importing water to the Fox Creek watershed from both Camp Meeting Creek and from his well. As most of these water transfers are made during summer months, and as both rainfall and historical records indicate there is little or no water available in Fox Creek during late summer months, it is unlikely that Mr. Stookey's diversions are adversely impacting Mr. Hiatt. Mr. Hiatt's project as authorized by Permit 20004 should ensure that he has water available for irrigation purposes during these months.

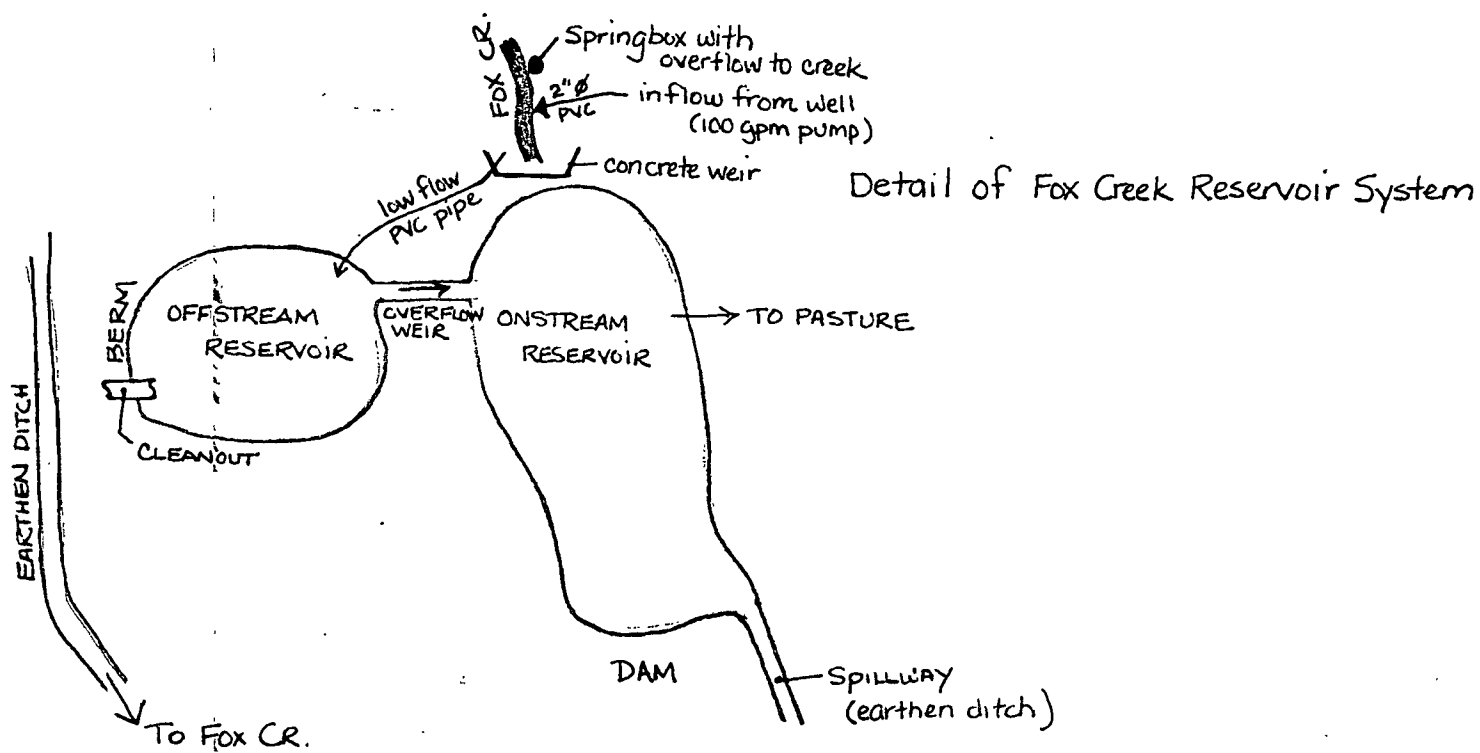
As Mr. Stookey's diversions do not appear to require authorization from this Division, as it is likely that Mr. Stookey's importations of water are maintaining flows in Fox Creek for longer periods of time during the summer months, and as flood flows and any damages caused by flood flows are not within the scope of this agency's jurisdiction, I recommend that this complaint be dismissed.

Any disputes involving riparian or pre-1914 diversions of water, except those alleging waste or unreasonable use should be brought before a court of competent jurisdiction. If Mr. Hiatt would like to seek compensation from Mr. Stookey for damages caused by flooding, he should likewise file a civil complaint in court.

I further recommend that all involved parties be notified of the results of this investigation.



SCHEMATIC OF WATER COURSES IN AREA



STATE OF CALIFORNIA
THE RESOURCES AGENCY
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS
STATEMENT OF WATER DIVERSION AND USE

This statement should be typewritten or legibly written in ink.

S8241

A. Name of person diverting water William C. Stookey
Address 3624 Greenmeadow Dr., Fullerton, CA 92632

B. Name of body of water at point of diversion Fox Creek
Tributary to Chowchilla River

C. Place of diversion NW 1/4 NE 1/4 Section 17 Township 5 S Range 20E MD B&M,
Mariposa County, or locate it on sketch of section grid on reverse side with regard to section
lines or prominent local landmarks.

D. Name of works Domestic water and storage pond

E. Capacity of diversion works 30 cubic feet per second
Capacity of storage reservoir 7 gallons per minute
gallons
acre-feet

State quantity of water used each month in gallons or acre-feet

| Year | Jan. | Feb. | Mar. | Apr. | May | June | July | Aug. | Sept. | Oct. | Nov. | Dec. | Total Annual |
|------|------|------|------|------|-----|------|------|------|-------|------|------|------|-----------------|
| 1972 | 6M | 6M | 7M | 7M | 8M | 9M | 12M | 12M | 12M | 10M | 8M | 6M | 103,000 Gals. |

If monthly and annual use are not known, check months in which water was used. State extent of use in
units, such as acres of each crop irrigated, average number of persons served, number of stock watered, etc.
plus the evaporation from a pond of 1 1/2 surface acres.

Maximum annual water use in recent years 103,000 gallons

Minimum annual water use in recent years 100,000 gallons

Type of diversion facility: gravity , pump X

Method of measurement: weir , flume , electric power meter , water meter , estimate X

F. Purpose of use (what water is being used for) Household use, livestock, lawn, garden
and recreation storage pond.

G. General description or location of place of use (use sketch of section grid on reverse side if you desire)
Fox Creek 900 feet south of Westfall Road

H. Year of first use as nearly as known before 1900

I. Name of person filing statement William C. Stookey

Position Owner Organization ---

Address 3624 Greenmeadow Dr., Fullerton, CA 92632

I declare under penalty of perjury that the above is true and correct to the best of my knowledge and belief.

DATE: September 18 19 73 at Fullerton California.

Signature: William C. Stookey

See Instructions on Reverse Side

5-603-04-01-0